

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
 Washington, D.C. 20554

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OCT 10 2000

In the Matter of

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Amendment of Section 73.622(b),  
 Table of Allotments,  
 Digital Television Broadcast Stations.  
 (Little Rock, Arkansas)

MM Docket No. 00-139  
 RM-9915

To: Chief, Video Services Division  
 Mass Media Bureau

**COMMENTS OF RIVER CITY BROADCASTING, INC.**

1. River City Broadcasting, Inc. ("River City") hereby submits these Comments in response to the Commission's *Notice of Proposed Rule Making* ("NPRM") in the above-captioned proceeding, DA 00-1798, released August 10, 2000. River City is the successor to Channel 42 of Little Rock, Inc., the proponent in RM-9915, as the licensee of KYPX(TV), Little Rock, Arkansas.<sup>1/</sup> This proceeding looks toward substituting Channel 44 for Channel 43 as KYPX's digital television ("DTV") allotment and thus directly affects River City.

2. River City supports the channel substitution proposal for the reasons set forth in the NPRM. However, this support is conditioned on finding a displacement channel for Station KHTE-LP, as discussed below; and the allotment of DTV Channel 44 to Little Rock should not be finalized until a channel has been found for KHTE-LP.

3. Apart from the impact on KHTE-LP, substitution of Channel 44 for Channel 43 has merit, because it would avoid any potential conflict with the analog Channel 43 allotment at El

<sup>1/</sup> River City became the licensee of KYPX(TV), Little Rock, Arkansas, on August 28, 2000, pursuant to File No. BALCT-20000321ABI, granted July 28, 2000.

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Dorado, Arkansas,<sup>2/</sup> and would permit collocation of KYPX's digital and analog facilities. If KHTE-LP is accommodated and the allotment is changed as proposed, River City will file an application for a license to operate on DTV Channel 44.<sup>3/</sup>

4. Channel 44 at Little Rock is currently occupied by KHTE-LP, a station whose certification of eligibility to apply for a Class A television station license has been accepted by the Commission.<sup>4/</sup> KHTE-LP, which is licensed to Equity Broadcasting Corporation, parent of River City Broadcasting, Inc., will be displaced by KYPX-DT operating on Channel 44. River City believes that KHTE-LP has a valid claim to Channel 44 based on its Class A eligibility. However, KHTE-LP will make an effort to find a different channel for KHTE-LP, and River City hopes that the Commission will make every effort to assist KHTE-LP in securing a construction permit to move to a different channel to avoid potential conflicts with KYPX-DT.

5. Accordingly, River City requests that the Commission adopt the proposal to change KYPX's DTV allotment at Little Rock to Channel 44 but that issuance of a Report and Order be deferred until KHTE-LP is assured of a displacement channel.<sup>5/</sup> It also requests that all

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<sup>2/</sup> River City does not mean to signify any agreement that DTV Channel 43 at Little Rock does conflict with NTSC Channel 43 at El Dorado. River City has not analyzed that issue and takes no position with respect to it.

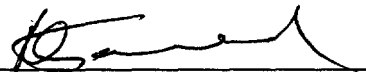
<sup>3/</sup> Channel 42 of Little Rock, Inc. did not file a DTV application because it was awaiting conclusion of the instant proceeding.

<sup>4/</sup> See public notice DA 00-1224, released June 2, 2000. KHTE-LP was formerly KHUG-LP. The call sign KHUG-LP was subsequently assigned to another station. The station in question here is Facility ID 57549.

<sup>5/</sup> If no replacement channel can be found for KHTE-LP, then River City believes that it will be possible to operate KYPX-DT on Channel 43. There will be difficulties, but River City will address them if it becomes necessary to do so, and River City believes that it should be possible to resolve these problems.

future documents in this proceeding be served on Irwin, Campbell & Tannenwald, P.C., Counsel for River City, rather than Dow, Lohnes & Albertson, Counsel for Channel 42 of Little Rock, Inc.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter Tannenwald", written over a horizontal line.

Peter Tannenwald  
Jason Roberts

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October 10, 2000

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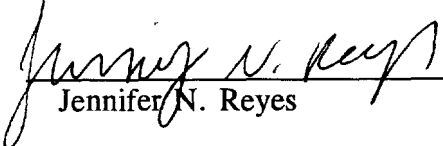
## **CERTIFICATE OF SERVICE**

I, Jennifer N. Reyes, do hereby certify that I have, this 10th day of October, 2000, caused to be sent by first class United States mail, postage prepaid, copies of the foregoing "Comments of River City Broadcasting, Inc." to the following:

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Jennifer N. Reyes